

**INLAND WETLANDS AND WATERCOURSES COMMISSION
MINUTES – SEPTEMBER 2, 2008**

MEMBERS PRESENT: Richard Girouard, Chairman
John Doris, Vice Chairman
Arlyne Fox
David Lucas

ALSO PRESENT: Stephen Savarese, PE, LS Town Engineer
Neil Lieberthal, Town of Trumbull Attorney

The Chair convened the meeting at 7:40 p.m.
Mrs. Fox led the Commission in the Pledge of Allegiance.
Mr. Doris read the public hearing notice.

NOTICE OF PUBLIC HEARING

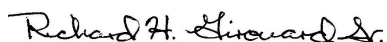
NOTICE IS HEREBY GIVEN THAT the Inland Wetlands and Watercourses Commission of the Town of Trumbull will hold a Public Hearing on Tuesday, September 2, 2008, at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, CT, on the following applications:

Application 08-14 - Michael Iaccarino, Jr. Permit approval for proposed brush removal, landscaping, fence construction and masonry in a regulated area at 39 Puritan Road (continuation Public Hearing from July 1, 2008).

Application 08-16 - John and Karen Holmes. Permit approval to remove brush from behind stonewall and plant tree and bushes along wall; trim and clean area and grade with grass or mulch in a regulated area at 25 Strobel Road (continuation Public Hearing from July 1, 2008).

A copy of the applications and maps are on file for public inspection in the Town Engineer's Office, Town Hall, Trumbull, CT.

Dated at Trumbull, CT this 8th day of August, 2008



Richard H. Girouard, Sr., Chairman
Inland Wetlands and Watercourses Commission of the Town of Trumbull

Public Hearing:

The Chair opened the public hearing at 7:43 p.m.

Application 08-14 - Michael Iaccarino, Jr. Permit approval for proposed brush removal, landscaping, fence construction and masonry in a regulated area at 39 Puritan Road. Certificates of mailings were previously submitted for the record. Mr. Iaccarino was present and had pictures and diagrams of what is existing and what is proposed. He restated what work has been done and that he used Oriole Road to access the site and he will not be using Oriole Road to do any further work. He would like to add a split rail fence, a boulder rock edge wall, and remove two dead trees. He has not and will not change the configuration of the pond. The plantings surrounding the pond will be plants suggested by his landscape designer and are DEP approved environmental friendly non evasive plants. Wants to bring in three or four more boulders to create an even cut edge by the pond and connect with the existing masonry bridge. Removal of one dead tree might require going through Oriole Road. The grass has been replanted and put back up to the slope of the house. Mrs. Fox questioned the size and depth of the pond. The applicant said it is 100 feet and about

**INLAND WETLANDS AND WATERCOURSES COMMISSION
MINUTES – SEPTEMBER 2, 2008**

70 feet in another area and about 12 to 24 inches deep along the edge and he does not know how deep it is in the middle.

The Chairman asked if anyone from the public wished to speak for or against.

Carole Bobela, 76 Oriole Lane came forward and wanted to confirm that the tree that will be removed is dead. She also wanted to thank Mr. Iaccarino for responding positively to the concerns addressed in her letter that was read at the first hearing and to state she is in full support of the current landscape plan.

Application 08-16 – John and Karen Holmes. Permit approval to remove brush from behind stonewall and plant tree and bushes along wall; trim and clean area and grade with grass or mulch in a regulated area at 25 Strobel Road. Certificate of mailings were submitted for the record. The applicant presented a planting plan and details regarding distances from the creek where the work will be performed - the closest point to the creek is 14 feet. No trees will be removed, 1 tree will be planted, weed overgrowth will be removed, keeping daylilies, and putting in ferns and grass. The property was staked out by the Town to show where the easement is located and the tree warden check the trees on the property. Currently there is mulch along the strip between the stonewall and the street and grass may be planted there to replace the mulch. The area is flat so there is no erosion problem. Steve indicated there is a clear departure from what the applicant asked for in the application and asked them to state exactly what they would like the Commission to permit. Mr. Holmes stated they came before the Commission because they were in a wetland area and wanted to make sure the work they were going to do on the right side of the stonewall was approved and not in violation of anything and they will follow the new plan as submitted.

The Chairman asked if anyone from the public wished to speak. No one came forward.

Upon Motion made (Fox) seconded (Doris) to close the public hearing. No discussion. MOTION CARRIED UNANIMOUSLY – all present voting.

The Chairman closed the Public Hearing at 7:58 p.m.

New Business:

08-24 – Hidden Pond Development LLC c/o David Wolkoff. Permit approval of an 8 lot subdivision with 917 linear feet of new roadway connected to Hidden Pond Lane; filling of 4 small wetland areas; construct 0.11 +/- acres of wetlands in a regulated area on Booth Hill Road. David Bjorklund a professional engineer and president of Spath-Bjorklund and Associates in Monroe and Attorney Ray Rizio were present for the applicant. Bjorklund stated the Commission is familiar with this development and have previously walked the site. The application is for a 12 acre parcel on Booth Hill Road with access to Hidden Pond Road and is submitted in accordance with the PRCZ zoning regulations. There were problems in the past in the mapping of the inland wetlands. For this application the inland wetlands limit line was agreed on and determined by 3 soil scientists who have been on the site. Hidden Pond Road starts in Shelton and runs into Trumbull with 4 or 5 homes that are in Trumbull and have access from the City of Shelton.

The alternative plan is the previous plan that was submitted for a conventional subdivision. The plan was revised because the people on Hidden Pond in Shelton did not want a direct connection to Trumbull and in the new plan at the end of Hidden Pond a gate is proposed for Trumbull emergency vehicles. This development is for an 8 lot subdivision and .011 acres or 4791 square feet will be disturbed and 3100 is permanent and 1600 is temporary for utility crossings. New wetlands will be created along the area of the natural wetlands and the open space area with .15 acres of mitigation. Over the years a lot of the wetlands on this property have been disturbed. This application includes detailed engineering studies on the increases in runoff, how the increases will be mitigated, erosion control plans, impact analysis and planting plan.

INLAND WETLANDS AND WATERCOURSES COMMISSION
MINUTES – SEPTEMBER 2, 2008

Mr. Bjorklund indicated they have listened and tried to comply with what the Commission has said in the past and they are ready for a public hearing and believe this is a complete application.

There was discussion and questions about the gate/fence and the rain gardens. The gate will be locked but emergency vehicle personnel and the fire department will have access and a key. The plan for the rain gardens conform to the '04 guidelines of the DEP.

Ray Rizio said Matt Popp has not completed his independent review of the soil scientists' reports for the Town. The applicant is proposing to use the old farm road as previously suggested by the Commission. Dave Bjorklund will get the percentage of wetlands that will be covered by blacktop because he did not have that figure. The Commission had questions regarding Otto Theall's report and the findings of the 3 soil scientists. Dave Bjorklund said this is a very difficult site to map as indicated by Mike Klein (tab #9 in presentation book). A drainage analysis will be submitted regarding infiltration, drains and the effects downstream. Dave Bjorklund said the wetlands limit line is shown in this submission and is clear when you walk the site. Discussions took place between the Commission, Ray Rizio, Steve Savarese and Dave Bjorklund regarding the old flags and prior markings on the site and Dave Bjorklund said they will put in 6 foot long flags. The Town Engineer recommended this be treated as a significant impact application. Copies of reports from the Town's experts will be given to the applicant upon receipt of the same and the experts will be invited to the site inspection walk. Questions were asked about the roof drains and footing drains going to a detention pond that will outlet into a watercourse that empties into Pinewood Lake and how that would effect Pinewood Lake. Mr. Bjorklund indicated there is a memo from William Kenney Associates in the report explaining the effects on Pinewood Lake. The Commission requested additional reports so each Commissioner will have a copy for review. Mr. Rizio stated all the water will be treated prior to it going into the watercourse and there will be no increase in flow to Pinewood Lake because the detention pond will hold the increase in flow and meter it out over a period of time.

Upon motion made (Lucas), seconded (Doris), to RECEIVE Application 08-24. Discussion followed.
MOTION CARRIED UNANIMOUSLY - all present voting.

The Chairman extended the Commission's condolences to Commissioner Lauria's family regarding the death of his father-in-law.

08-25 – Steven and Margaret Brindisi. Permit approval to remove existing 20'x20' screen porch; construct new 16'x20' family room with deck and 10'x12' garage extension in a regulated area at 80 Canterbury Lane. Steve Brindisi was present and stated he is proposing to put a 20 by 16 foot addition off the south side of his house, extend the garage 10 by 12 feet to get additional space and removal of the 20 by 20 enclosed porch. He included a photo of the backyard to show what impact it might have to the wetlands. The areas that will be disrupted are all grassy areas and the marshy areas are 30, 35 to 55 feet away and the closest point to the wetlands will be 35 feet. The wetlands are on the south side of the house and the plan is not to disturb that area at all. There is a storm drain located on the west side of the house and runs from the street to the back of the yard and drains to Islandbrook Pond. The applicant is not sure if he will be putting in a new deck or a patio. He will connect the new addition to a deck and extend it in the area of where the enclosed porch is now. The applicant stated that the lawn is never wet and there are no wetland monuments. Steve Savarese advised the Commission that a permit was approved for a pool four years ago and they are scrapping the pool idea and coming before the Commission with this addition. Stormwater management will be required before the issuance of the building permit. The applicant requested a waiver of the fee because a fee was previously paid for the old application for a pool. The Commission did not waive the fee because this application is requesting different approvals than the old application for a pool.

Upon motion made (Fox), seconded (Doris), to RECEIVE Application 08-25. Discussion followed.
MOTION CARRIED UNANIMOUSLY - all present voting.

INLAND WETLANDS AND WATERCOURSES COMMISSION
MINUTES – SEPTEMBER 2, 2008

08-26 – John M. Mauro. Permit approval to rebuild retaining wall in a regulated area at 23 Glen Spring Drive. John and Cathy Mauro were present and stated they are requesting approval to rebuild a retaining wall that has deteriorated over time. The retaining wall contains the water flow for storm overflow on their property. At the edge of the property there is a culvert and the only time it flows is when there is a storm. It passes approximately 150 feet along the side of the property into another culvert that goes under 23 Glen Spring Drive. Rocks and bricks have fallen into this drain area and it needs to be repaired and widened because it is blocking the water flow. The erosion has caused holes in the ground and unsafe conditions. The applicant also intends to level the area, fill in the holes and plant grass. Steve Savarese suggested some kind of erosion control in terms of silt fencing to protect downstream of the property and the applicant was in agreement.

Upon motion made (Fox) seconded (Lucas), to RECEIVE Application 08-26. Discussion. MOTION CARRIED UNANIMOUSLY – all present voting.

Application 08-27 – Scott Molnar c/o Raymond Rizio. Permit approval to modify existing conservation easement to permit sloping of the property in a regulated area at 127 Aspen Lane. Raymond Rizio was present representing Scott Molnar. The application received a letter stating he is in violation of a conservation easement on the property and in response the applicant filed an inland wetland application. Mr. Rizio said the application is not complete at this time but they wanted to file something and acknowledge the violation. A retaining wall was supposed to be built along the conservation easement. Steve Savarese indicated that a cease and desist order was issued and it's customary to go to the next wetlands hearing and make a presentation. Mr. Rizio stated they are in the process of figuring out the extent of the violation so that a remediation plan can be presented and a surveyor and soil scientist have been retained. They are acknowledging the violation and will do what is necessary to correct or remedy the violation. The applicant will not do any other activities until this is resolved and the applicant wanted to respond to the notice of violation by filing the most complete application they could with the limited information they had. They will resubmit next month with a completed application. The application was not received by the Commission and no action was taken on Application 08-27.

08-28 - Joseph Hyatt. Permit approval to grade and seed existing area to a 3 to 1 slope or 18 degrees; cut down 8 trees; replant evergreen trees in regulated area at 49 Moose Hill Road. Joseph Hyatt and Debi Hyatt were present. Steve Savarese stated that the original violation notice went out in March 2008 and this application has been before the Commission for a while. There were a number of people present in the audience who wanted to speak and they were advised this is not a public hearing. There have been 2 site walks and this matter has been heard twice and at the hearing in July the applicants withdrew because they had not sent out their notices for the second public hearing that was scheduled. The Commission is trying to work with both the neighbors and the applicants. Previously there has been a problem in getting the information the Commission is looking for. This is a new application and clear direction is needed as to what the Commission is looking for from the applicants.

The Chairman wanted to know if the application is complete and Mr. Savarese stated that he received just the application a few days ago and an envelope at this hearing and according to the applicant the information is recycled from the previous application.

Mrs. Fox stated that the property was not as filled in when she originally walked it and she asked the applicant about the trees and fill. The applicant stated the trees that are buried will be dug out and cut down as instructed by the tree warden, Warren Jacques. There was discussion between Mrs. Fox and the applicant about bringing the grade closer to the house and not further down the hill, plantings and the fill that is there now. Mr. Hyatt stated that there is enough fill there now to make the yard level when he brings the grade back.

During Mr. Hyatt's presentation he stated he wants to grade the area back 18 degrees to 3 to 1 and if the Commission wants he will put up something to control erosion or seed it and hay it. He also stated that grass is starting to grow back and he would bring in more organically enhanced soil that will help to grow more grass. Mrs. Fox stated that there

INLAND WETLANDS AND WATERCOURSES COMMISSION
MINUTES – SEPTEMBER 2, 2008

are rocks, stones, cinder blocks, bricks and other things in the fill and the applicant stated soil will be put on top of that on the top portion of the hill in the back yard.

The Chairman asked Mr. Hyatt to get for the next meeting a letter stating the source of all the fill. He agreed and said he has done everything the Commission asked him to do and the source of the fill is Tamarack Country Club and shipped by Frankie Bonaddio of F.M. Bonaddio, Inc. The applicant was asked again to have something in writing for the next meeting. He was also asked about how much top soil will be brought in. More discussion between the Chairman and the applicant about getting the information regarding the fill and what the neighbors are looking for and the applicant stated that he feels this is a waste of his time.

The trees that are marked will be taken down and the stumps removed or make the stumps flush to the ground and leave the roots. Discussion between the Chairman and the applicant regarding what is needed for the public hearing and what the neighborhood is looking for. The cease and desist is still in effect.

Upon motion made (Fox) seconded (Doris), to RECEIVE Application 08-28. Discussion. MOTION CARRIED UNANIMOUSLY – all present voting.

Application 08-28 – Town of Trumbull. Up-date Regulations. The application was not received by the Commission and no action was taken on Application 08-28.

Work Session:

After discussion and review, the Commission took action as follows:

Application 08-14 Michael Iaccarino, Jr. Permit approval for proposed brush removal, landscaping, fence construction and masonry in a regulated area at 39 Puritan Road.

Motion made (Doris) seconded (Lucas) to APPROVE Application 08-14, as shown on plan submitted on September 2, 2008 and subject to the General Conditions as established by the Commission. Discussion. MOTION CARRIED BY VOTE OF 3 IN FAVOR AND 1 ABSTENTION (FOX) – all present voting.

Application 08-16 – John and Karen Holmes. Permit approval to remove brush from behind stonewall and plant tree and bushes along wall; trim and clean area and grade with grass or mulch in a regulated area at 25 Strobel Road. Motion made (Doris) seconded (Lucas) to APPROVE Application 08-16, as submitted on plan dated August 29, 2008 and subject to the General Conditions as established by the Commission. Discussion. MOTION CARRIED BY VOTE OF 3 IN FAVOR AND 1 ABSTENTION (FOX) – all present voting.

Application 08-25 – Steven & Margaret Brindisi. Permit approval to remove existing 20'x20' screen porch; construct new 16'x20' family room with deck and 10'x12' garage extension in a regulated area at 80 Canterbury Lane. Motion made (Lucas) seconded (Doris) to APPROVE Application 08-25, as submitted, subject to the General conditions as established by the Commission. Discussion. MOTION CARRIED UNANIMOUSLY – all present voting.

Application 08-26 – John M. Mauro. Permit approval to rebuild retaining wall in a regulated area at 23 Glen Spring Drive.

Motion made (Fox) seconded (Lucas) to APPROVE Application 08-26, as submitted, subject to the General conditions as established by the Commission. Discussion. MOTION CARRIED UNANIMOUSLY – all present voting.

Application 08-28 – Joseph Hyatt. Permit approval to grade and seed existing area to a 3 to 1 slope or 18 degrees; cut down 8 trees; replant evergreen trees in regulated area at 49 Moose Hill Road.

INLAND WETLANDS AND WATERCOURSES COMMISSION
MINUTES – SEPTEMBER 2, 2008

Discussion took place regarding the present situation on the site, drainage questions, water issues, what the Commission wants and what is recommended. A letter will be sent to the applicant stating the following requirements: (1) oral and/or written testimony from the owner and driver of the company that provided the fill regarding the quality and origin of the fill; (2) sufficient grading to direct water to existing pipe; (3) an accounting of how much top soil will be brought onto the site.

Motion made (Fox) seconded (Doris) to APPROVE meeting minutes dated July 1 and work session minutes dated July 28, 2008 and August 21, 2008. No Discussion. MOTION CARRIED UNANIMOUSLY – all present voting.

Field Inspection:

The field inspection date was scheduled for Tuesday, September 16, 2008 leaving the Town Hall at 3:00 p.m. on the following application:

Application: #08-24

Correspondence:

No discussion on correspondence.

Motion made (Fox) seconded (Lucas) to adjourn at 9:40 p.m. No discussion. MOTION CARRIED UNANIMOUSLY – all present voting.

Respectfully submitted,

BY: _____
Joyce Augustinsky, Clerk